

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN BROWN, JR.,

Defendant.

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CASE NO. 1:11-CR-496

OPINION & ORDER
[Resolving Doc. [30](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 11, 2016, this Court issued an opinion and order denying Allen Brown's motion for appointment of counsel. Upon reconsideration, this Court reverses its prior order and **GRANTS** Brown's motion for appointment of counsel.

I. Discussion

This Court based its April 11, 2016 decision on the controlled substance offenses listed on Brown's PSR, namely, Drug Possession (F4) at Cuyahoga County Court of Common Pleas in Case No. CR-05-461617; Drug Possession (F4) at Cuyahoga County Court of Common Pleas in Case No. CR-06-0481199-A; and Drug Possession (F4) at Cuyahoga County Court of Common Pleas in Case No. CR-06-485033.¹

Because it is unclear whether these Drug Possession felony controlled substance convictions involved the intent to "manufacture, import, export, distribute, or dispense" as required under USSG §4B1.2(b)'s definition of a controlled substance offense, this Court will **GRANT** the motion to appoint counsel.

¹ *Id.* at ¶¶54,58,61.

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II. Conclusion

For the reasons above, this Court **GRANTS** Defendant's motion seeking the appointment of counsel.

IT IS SO ORDERED.

Dated: April 20, 2016

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE